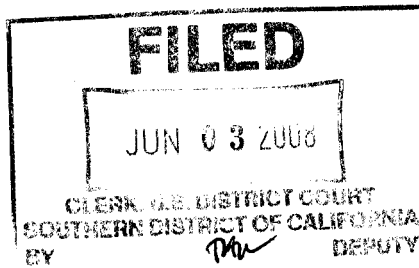


*gaw*  
*AUSA*



UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Raul HERNANDEZ-Frias,

Defendant.

Mag. Case No.

'08 MJ 8494

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
 Deported Alien Found In the  
 United States

The undersigned complainant being duly sworn states:

On or about June 01, 2008, within the Southern District of California, defendant Raul HERNANDEZ-Frias, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

*[Signature]*  
 Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3<sup>rd</sup> DAY OF JUNE 2008.

*[Signature]*  
 PETER C. LEWIS  
 U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Raul HERNANDEZ-Frias

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the investigative  
6 reports of U. S. Border Patrol Agent J. Lopez, the Defendant, Raul HERNANDEZ-Frias,  
7 was found and arrested on June 1, 2008, west of Calexico, California.

8 On June 1, 2008, 2008, at approximately 4:00 P.M., Agents R. Alexander and A.  
9 Balkas encountered a group of six individuals, one of which was later identified as Raul  
10 HERNANDEZ-Frias, in the mountainous area approximately 29 miles west of Calexico  
11 and north of the International Boundary with Mexico. As the agents approached the  
12 group, they identified themselves and questioned the group. It was determined  
13 HERNANDEZ and the others are citizens of Mexico illegally in the United States.  
14 HERNANDEZ and the others were arrested and transported to the Imperial, California,  
15 Border Patrol Station.

16 At the station a record check of HERNANDEZ revealed he was expeditedly  
17 removed from the United States on November 10, 2007, and has an Immigration and  
18 criminal history.

19 HERNANDEZ was advised his rights per Miranda. HERNANDEZ stated he  
20 understood his rights and was willing to speak with agents without an attorney present.  
21 HERNANDEZ stated he had previously been deported. HERNANDEZ denied having  
22 any documents to be in the United States legally. When asked if he had or received  
23 permission from the United States Attorney General or the Secretary of Homeland  
24 Security to re-enter the United States, HERNANDEZ stated, "No".  
25  
26  
27  
28